

**-CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
OPEN MEETING MINUTES
MAY 23, 2003
10:00 A.M.
630 "K" STREET
FIRST FLOOR HEARING ROOM
SACRAMENTO, CALIFORNIA**

The California Victim Compensation and Government Claims Board convened its regular session at the call of Jacqueline R. Wilson, Deputy Director, Interagency Support Services, Department of General Services, acting for and in the absence of J. Clark Kelso, Interim Director, Department of General Services, Chairperson, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, May 23, 2003, at 10:00 a.m. Present were David Rosenberg, Senior Advisor to the Governor, the Governor's Office, and Board Member, and Cindy Aronberg, acting for and in the absence of Steve Westly, Controller, and Board Member.

Jackie Wilson motioned to have Mr. Rosenberg act as Presiding Officer for the May 23, 2003, meeting.

The Board meeting commenced with the pledge of allegiance.

Board staff present included Catherine Close, Interim Executive Officer; Judith Kopec, Supervising Staff Counsel; Steve Hall, Manager, Government Claims Program; and Sandy Davidson, Acting Board Liaison.

EXECUTIVE OFFICER REPORT

Catherine Close, Interim Executive Officer, discussed the Executive Officer's Report by highlighting several items. The Board received the federal victim compensation funding on May 15, 2003, so checks were issued to providers that had payments withheld and they should begin receiving their payments shortly. This information has also been posted on the website. Another issue discussed was that the Board's administrative cost to payment ratio is too high. Over the last three fiscal years, the Board has reduced staff by 50-1/2 positions. Additionally, a ten percent reduction is being required for all state departments and to that end, 68 staff were given notice that they are in surplus classifications that have been identified for reduction. Next, Ms. Close discussed the charts located in the EO report regarding the backlog of claims and inventory and ways to remedy the backlog. Mr. Rosenberg asked that weekly claims backlog data be e-mailed to him. Finally, Ms. Close announced that all Board staff attended two mandatory trainings: one on workplace violence in the public sector and the other on sexual harassment.

David Shaw, Deputy Executive Officer, talked briefly about pending legislation, including [Senate Bill 631](#), which is now in the assembly rules committee, and [Senate Bill 940](#), which requires the Judicial Council to adopt guide-lines to oversee the collection of all fines, forfeitures and fees collected in the state and to implement their collection. Unfortunately, it would not allow anyone else any input into the process. Board staff have proposed that the Board, the Department of Corrections and all other stakeholders be involved in this process. Also discussed was legislation to increase fines.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims portion of the meeting at 10:10 a.m.

Item 1 CLAIMANT: Masaru Minami **G531225**

The Board voted to adopt the claims examiner's recommendation to allow the claim.

Item 2 CLAIMANT: Charles Castillo **G527589**

The Board voted to adopt the claims examiner's recommendation to deny the claim. (Mr. Rosenberg abstained from participating in the discussion and action on this claim since he is a member of the State Lottery Commission.)

OTHER BUSINESS

The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated May 23, 2003, with the following changes: The Board adopted the staff recommendations on the claims listed in the Government Claims Program Consent Agenda dated May 23, 2003, with the following changes: Item #16, Page 3, G523623 for Advanced Locktronics – claimant wishes to have this claim proceed through the Claims Examiner process. Item #301, page 45, G535110 for Transfiguracion Ray, Mercury Insurance Company – claim should be deleted from the computer system as it was keyed in as a new claim rather than a piece of correspondence. Item #530, Page 78, G535835 for James E. Newman – staff requests this claim be continued to the June 27, 2003, hearing since it involves the Victim Compensation Program and requires a staff write-up.

Staff presented "Request by the Department of General Services for extension of delegated authority to settle and pay claims of less than \$1,000 each and to reject claims under Government Code section 935.6." The Board voted to adopt the staff recommendation to approve the extension of delegated authority to the Department of General Services.

Also presented was "Applications for Discharge from Accountability for Uncollectible Accounts pursuant to Government Code section 13940, et seq." After review and discussion, the Board voted to adopt the staff recommendation to approve the applications.

Claimant: Tousson Toppozada **G534756**

The claimant and the Board has agreed this claim be continued to the June 27, 2003 Board meeting for additional information and analysis.

A.	Total claims awarded on consent	<u>581</u>	
	To be paid under GC § 965	<u>29</u> For	<u>\$91,929.97</u>
	To be paid under claims bill	<u>98</u> For	<u>\$94,149.01</u>
B.	Claims rejected on consent	<u>422</u>	

The Government Claims hearing was adjourned at 10:20 a.m.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:25 a.m.

Assessment of Effectiveness of Service Limitations for Mental Health Counseling was continued to the June 27, 2003, Board hearing.

Pete Williams, Deputy Executive Officer, Victim Compensation Program, presented "Overview of the Joint Powers County Agreements within the VCP." The joint powers offices (JPs), which have operated since 1984, are located in the district attorneys' offices throughout the state. They are present in 22 counties, but serve victims in 42 counties. The JPs initially receive 67% of the program's applications. The budget this year is \$10.8 million, which is \$1.2 million less than last year as positions were eliminated and travel was cut. There were two speakers commenting on the presentation. First, Lenny Goldberg spoke about the nonprofit agencies' concerns with the JPs. Michael Siegel spoke briefly about the need for consistency of decisions made by different counties. Cindy Marie Absey, Project Coordinator of Victim Witness from San Luis Obispo spoke regarding that county's JP agreement with the state and how it was working.

David Shaw, Deputy Executive Officer, Revenue and Recovery Division, presented "Proposal Regarding Restitution Contract Renewal with the California Department of Corrections." The final contract amount of \$340,446 was reduced because of the elimination of one position. Sandi Menefee, Assistant Director of the Office of Victim Services at the California Department of Corrections talked about the collection of restitution. She advised CDC had been collecting 22% of deposits in inmates' trust accounts, but beginning July 1, 2003, the amount collected would rise to 33%, and next year they will be collecting 55% from incarcerated persons. After review and discussion, the Board voted to approve the staff recommendation authorizing the Interim Executive Officer to execute an interagency agreement with CDC.

Judith A. Kopec, Supervising Staff Counsel, presented "Emergency Regulations Regarding Service Limitations for Outpatient Mental Health Treatment." The 120-day period for these emergency regulations expires June 3rd and staff recommends that the Board authorize the Interim Executive Officer to re-submit the emergency regulations with the Office of Administrative Law. Michael Seigel spoke about how many providers are not receiving timely responses regarding their request for additional treatment. Also mentioned was the fact that two-thirds of the requests for additional treatment are rejected. After review and discussion, the Board voted to approve the staff recommendation.

Ms. Kopec also presented "Final Regulations Concerning Emergency Awards in the Victim Compensation Program." After review and discussion, the Board voted to adopt the staff recommendation to adopt the regulations as the final regulations.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))

Pursuant to Government Code section 11126(c)(3), the Board members adjourned into a closed Executive Session with the Board's Interim Executive Officer at 10:40 a.m. to deliberate on the proposed decisions that were taken under submission during the meeting. Also in attendance was Judith A. Kopec, Supervising Staff Counsel.

The Board reconvened into an open session at 10:55 a.m.

PROPOSED DECISIONS

- Item 1 **CLAIMANT** **443635V**
The Board voted to adopt the proposed decision to deny the supplemental claim.
- Item 2 **CLAIMANT** **588918V**
The Board voted to adopt the proposed decision to deny the supplemental claim.
- Item 3 **CLAIMANT** **636810V**
The Board voted to adopt the proposed decision to deny the supplemental claim.
- Item 4 **CLAIMANTS** **654383, 654386, 654388V**
The Board voted to adopt the decision to deny the supplemental claims and determined that the overpayment need not be collected.
- Item 5 **CLAIMANT** **670570V**
The Board voted to adopt the proposed decision to deny the supplemental claim.
- Item 6 **CLAIMANT** **692465V**
The Board voted to adopt the proposed decision to deny the application.
- Item 7 **CLAIMANT** **707546V**
The Board voted to adopt modify the proposed decision to delete references to the Board's wage loss policies.
- Item 8a **CLAIMANT** **708167V**
The Board voted to adopt the proposed decision to deny the application.
- Item 8b **CLAIMANT** **708288V**
The Board did not act on this application.
- Item 9 **CLAIMANT** **710697V**
The Board voted to adopt the proposed decision to deny the supplemental claim.
- Item 10 **CLAIMANT** **717856V**
The Board voted to adopt the proposed decision to deny the application.
- Item 11 **CLAIMANT** **721897V**
The Board voted to adopt the proposed decision to find that good cause existed for the submission of the late application.
- Item 12 **CLAIMANT** **725649V**
The Board voted to adopt the proposed decision to allow the relocation expenses and to deny the home security costs.
- Item 13 **CLAIMANTS** **729866V, 729867V, & 729868V**
The Board voted to adopt the proposed decision to deny the applications.
- Item 14 **CLAIMANTS** **731955V & 731999V**
The Board voted to adopt the proposed decision to deny the applications.

Item 15 **CLAIMANTS**

733983V & 733984V

The Board voted to adopt the proposed decision to deny the applications.

Item 16 **CLAIMANTS**

744365V & 743371V

The Board voted to adopt the proposed decision to deny the supplemental applications.

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and action on claims for which a hearing was denied under California Code of Regulations, title 2, section 647.20.1.

REQUESTS FOR RECONSIDERATIONS

The Board voted to adopt the staff recommendations to deny the following requests for reconsiderations:

CLAIMANT	755216V
CLAIMANT	713346V
CLAIMANT	735986V
CLAIMANT	709844V
CLAIMANT	730410V
CLAIMANT	740160V
CLAIMANT	734867V
CLAIMANT	751078V
CLAIMANT	726813V
CLAIMANT	695647V
CLAIMANT	739327V
CLAIMANT	725070V
CLAIMANT	434379V
CLAIMANT	703956V
CLAIMANT	712323V
CLAIMANT	703152V
CLAIMANT	703530V
CLAIMANT	685595V
CLAIMANT	692679V
CLAIMANT	569674V
CLAIMANT	591709V
CLAIMANT	697101V
CLAIMANT	650413V
CLAIMANT	612840V
CLAIMANT	718702V
CLAIMANT	597545V
CLAIMANT	755319V
CLAIMANT	728663V
CLAIMANT	585961V
CLAIMANT	541114V

BID PROTEST RESOLUTION PROGRAM

Catherine Close, Interim Executive Officer, presented the Proposed Decision regarding the protest of the Invitation for Bid (IFB) No. 50971 of Comade, Inc. After review and discussion, the Board voted to adopt the proposed decision to deny the protest.

MISCELLANEOUS ITEMS

The Board voted to adopt the April 10, 2003, and April 25, 2003 Board Meeting Minutes.

CLOSED EXECUTIVE SESSION (GC § 11126(a))

Pursuant to Government Code section 11126(a), the Board members adjourned into a closed Executive Session with the Board's Interim Executive Officer at 11:20 a.m. to consider the appointment, employment, evaluation or dismissal of an employee; also in attendance was Judith Kopec, Supervising Staff Counsel.

The Board reconvened into an open session at 11:30 a.m.

The meeting was adjourned at 11:30 a.m.

CATHERINE A. CLOSE
Interim Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____
Sandy Davidson
Legal Secretary

(Affix seal here)